

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

LISA A. BIRON,
(BOP No. 12775-049)

V.

JODY UPTON, Warden,
FMC-Carswell, et al.

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CIVIL ACTION NO. 4:15-CV-205-O

FINAL JUDGMENT

In accordance with the Order issued this same day and with Federal Rule of Civil Procedure 58, it is **ORDERED, ADJUDGED, and DECREED** that all of Plaintiff's claims for monetary damages against Defendants in their official capacity, all claims under the First Amendment, all claims under the Eighth Amendment, and all claims under the Fifth Amendment arising from events other than the events resulting in disciplinary proceedings, are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

It is further **ORDERED, ADJUDGED, and DECREED** that all of Plaintiff's claims arising from the June 2014 letter and resulting disciplinary proceeding are **DISMISSED WITH PREJUDICE** for failure to exhaust; and such claims, alternatively, and all remaining claims, are **DISMISSED WITH PREJUDICE** to their being asserted again until the *Heck v. Humphrey* conditions are met,¹ under 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). All costs of court are taxed against the party who incurred them.

SO ORDERED this **16th day of June, 2015**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹ See *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996).